

sented the same to the Governor for his approval.

GREER, Acting Chairman.

Committee Room,
Austin, Texas, May 4, 1899.

Hon. Jas. N. Brwoning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 333, being a bill to be entitled "An Act to authorize the Missouri, Kansas & Texas Railway Company of Texas to acquire, by purchase or lease, the railroad of the Sherman, Shreveport & Southern Railway Company, extending from the city of McKinney, in Collin county, to the city of Jefferson, in Marion county, and any extension thereof from said city of Jefferson to the eastern line of Texas, in the direction of Shreveport, Louisiana, together with the property and franchises pertaining thereto, and to own, operate and maintain the same as part of its line, with the right to extend the same and construct branches therefrom, by amendment of its charter, under the general laws of the State of Texas, and investing said companies, and each of them, with the power to make and execute all necessary contracts, agreements and conveyances to effect such sale or lease; also to authorize the said The Sherman, Shreveport & Southern Railway Company, before such sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, when the said railway, so to be purchased or leased, has been extended from the city of Jefferson to the eastern line of the State of Texas, in the direction of Shreveport, Louisiana, to connect with any railway extending to said city of Shreveport, and to acquire from the owner or owners of such line of railway in the State of Louisiana, by lease, trackage or running rights agreement, the use of such line to the said city of Shreveport; and further, to authorize the said The Sherman, Shreveport & Southern Railway Company, before such sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, to acquire necessary terminal facilities in the said city of Shreveport,"

And find the same correctly enrolled, and have this day, at 3:30 p. m., presented the same to the Governor for his approval.

GREER, Acting Chairman.

Pending action,

On motion of Senator Wayland, the

Senate adjourned until 10 a. m. tomorrow by the following vote:

Yeas—11.

Atlee.	Neal.
Greer.	Odell.
Grinnan.	Ross.
Kerr.	Wayland.
Miller.	Yett.
Morriss.	

Nays—9.

Burns.	Potter.
Davidson.	Sebastian.
Gough.	Terrell.
James.	Turney.
Lloyd.	

Absent.

Dibrell.	Linn.
Goss.	Patterson.
Hanger.	Stafford.
Johnson.	Stone.
Lewis.	Yantis.

Absent—Excused.

McGee.

EIGHTIETH DAY.

Senate Chamber,

Austin, Texas, Friday, May 5, 1899.

Senate met pursuant to adjournment.

President Pro Tem Stafford in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Neal.
Dibrell.	Odell.
Goss.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Kerr.	Turney.
Linn.	Wayland.
Lloyd.	Yett.

Absent.

Johnson.	Stone.
Lewis.	Yantis.

Absent—Excused.

McGee.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

HOUSE MESSAGE.

The following message was received from the House:

Hall of the House of Representatives,
Austin, Texas, May 5, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 175, A bill to be entitled "An Act to amend Section 1, of 'An Act to regulate and limit the expenditures of State, county and local public school funds, and regulate treasurers' reports thereof,' approved June 23, 1897," with amendments.

Also Senate bill No. 166, A bill to be entitled "An Act to amend Article 713, of Chapter 11, Title XXI, of the Revised Civil Statutes of the State of Texas, and to add Article 713a to said Chapter 11, Title XXI, of said Revised Civil Statutes of the State of Texas, relating to the purposes for which private corporations may be created," with amendments.

Senate bill No. 306, A bill to be entitled "An Act to authorize the Gulf, Beaumont & Kansas City Railway Company to purchase, own and operate the railroad, including all the property, property rights, franchises and appurtenances of the Gulf, Beaumont & Great Northern Railway Company, now existing or that may hereafter be built or acquired by the Gulf, Beaumont & Great Northern Railway Company, and to authorize the Gulf, Beaumont & Kansas City Railway Company, in the name of the Gulf, Beaumont & Great Northern Railway Company to issue bonds and to secure the same by mortgage upon the railway property, property rights and franchises of the Gulf, Beaumont & Great Northern Railway Company, under orders of the Railroad Commission of Texas, and to enable the said corporation, the Gulf, Beaumont & Great Northern Railway Company to construct this proposed line of railway as provided in its charter, and for said purposes to raise money through the issuance of stock and bonds, under the direction of the Railroad Commission," with amendments.

Respectfully,

LEE J. ROUNTREE.

Chief Clerk House of Representatives

COMMITTEE REPORTS.

Committee Room.

Austin, Texas, May 3, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 346, being a bill to be entitled "An Act to ratify, confirm and validate a title granted by the Mexican government to David Choate, which said title was issued on the 12th day of August, 1835, by George (or Jorge) Antonio Nixon, special commissioner for issuing titles to colonists in Zavala's and Veglein's colonies, for one league of land now situated partly in Hardin and partly in Jefferson counties, Texas."

And find the same correctly engrossed.

JAMES, Chairman.

MAJORITY REPORT.

Committee Room,

Austin, Texas, May 4, 1899.

Hon. R. N. Stafford, President Pro Tem of the Senate.

SIR: Your Committee on State Affairs, to whom was referred

House bill No. 130, being a bill to be entitled "An Act to amend Article 2439, of the Revised Civil Statutes of 1895, of the State of Texas, relating to the fees and taxes to be collected by the Secretary of State,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass.

GOUGH, Chairman.

MINORITY REPORT.

Committee Room,

Austin, Texas, May 4, 1899.

Hon. R. N. Stafford, President Pro Tem of the Senate.

SIR: A minority of your Committee on State Affairs, to whom was referred

House bill No. 130, being a bill to be entitled "An Act to amend Article 2439, of the Revised Statutes of 1895 of the State of Texas, relating to the fees and taxes to be collected by the Secretary of State,"

Have had the same under consideration, and being unable to agree with the majority, beg leave to report the same back to the Senate with the recommendation that it *do* pass.

ODELL.
GOUGH.

Committee Room,

Austin, Texas, May 5, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 719, being a bill to be

entitled "An Act to amend Articles 2941, 2945, 2946, 2948 and 2949, Title LIV, of the Revised Statutes of the State of Texas, and to repeal Articles 2942, 2943, 2944, 2947 and 2950, Title LIV, of the Revised Statutes of the State of Texas, so as to place the House of Correction and the Reformatory under the management and control of the Governor and Board of Penitentiary Commissioners of the State of Texas; to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Floor report—Greer, Neal, Miller, Grinnan and Terrell.

TERRELL, Acting Chairman.

BILLS AND RESOLUTIONS.

RESOLUTION OF RESPECT.

By Senator Hanger:

Whereas, The Senate has learned with profound regret of the death of the Hon. George W. Finger, Land Commissioner of Texas, and

Whereas, Mr. Finger has endeared himself to the people of this State by his many noble traits of character; therefore, be it

Resolved, That when the Senate adjourns today it do so out of respect to his memory, and that the Secretary of this body be instructed to convey to the family of the deceased the sincere sympathy of the Senate.

The resolution was read, and unanimously adopted by a rising vote.

By Senator Burns:

Senate bill No. 350, A bill to be entitled "An Act to provide for the purchase of one hundred acres of land, known as the Magnus T. Habermehl homestead in the Arthur McCormick league in order that the State of Texas may own and preserve the San Jacinto battle grounds."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Miller:

Senate bill No. 351, A bill to be entitled "An Act to amend Article 650, Title VIII, of the Code of Criminal Procedure of the State of Texas, relating to the summoning of jurors in special venire cases."

Read first time, and referred to Judiciary Committee No. 2.

Call concluded.

PENDING BUSINESS.

The Chair laid before the Senate, on second reading,

Senate bill No. 323 (anti-trust bill), action being on Senator Wayland's motion to reconsider the vote by which was lost the amendment offered by Senator Turney, towit:

"Amend Section 1 by adding the following: 'Provided the provisions of this act shall not affect any agreement concerning insurance or insurance rates made beyond the limits of this State, and which are intended to affect and operate upon property outside of this State and which was not made concerning nor for the purpose of affecting, controlling nor operating upon insurance or insurance rates in this State, nor which would in fact affect nor be construed as affecting, nor in anywise operating upon any insurance or insurance rate within this State; provided, such agreement was and is lawful in States, territories or countries where entered into or intended to be put into effect or actually put into effect and operation.'"

Pending action, Senator Sebastian moved to suspend pending business to take up

Senate bill No. 251, A bill to be entitled "An Act to abolish the unorganized counties of Winkler and Loving, and to incorporate their territory in the county of Ward; to provide for the payment of certain bonds held by the State against the said unorganized counties out of funds now on hand to their credit, and for the transfer and payment of balance of said funds to the proper officers of the said Ward county."

Lost.

Action recurring on the motion to reconsider,

Senator Miller moved to lay the motion on the table.

Lost by the following vote:

Yeas—10.

Davidson.	Lloyd.
Dibrell.	Miller.
Gough.	Morriss.
Grinnan.	Potter.
James.	Wayland.

Nays—14.

Atlee.	Neal.
Burns.	Odell.
Goss.	Patterson.
Greer.	Ross.
Hanger.	Sebastian.
Kerr.	Stafford.
Linn.	Turney.

Absent.

Johnson.	Terrell.
Lewis.	Yantis.

Absent—Excused.

McGee.

PAIRED.

Senator Yett, present, who would vote *yea*, with Senator Stone, absent, who would vote *nay*.

The motion to reconsider then prevailed by the following vote:

Yeas—14.

Atlee.	Neal.
Burns.	Odell.
Goss.	Patterson.
Greer.	Ross.
Hanger.	Sebastian.
Kerr.	Stafford.
Linn.	Turney.

Nays—10.

Davidson.	Lloyd.
Dibrell.	Miller.
Gough.	Morriss.
Grinnan.	Potter.
James.	Wayland.

Absent.

Johnson.	Terrell.
Lewis.	Yantis.

Absent—Excused.

McGee.

PAIRED.

Senator Yett, present, who would vote *nay*, with Senator Stone, absent, who would vote *yea*.

Pending action on the amendment,

BILLS SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

Senate bill No. 294, "An Act to amend Chapter 134, Sections 1, 7 and 15, of the General Laws of the Twenty-fourth Legislature, of an Act to create a more efficient road system for Hill, Grimes, Cooke, Hunt, Jackson, Bee and Victoria counties, Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the public roads of said counties, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation

of this act, and repeal laws in conflict with this act."

Senate bill No. 294, "An Act to reorganize the Thirty-fourth Judicial District of Texas, to prescribe the time of holding the terms of the district court therein, and to repeal all laws in conflict with this act."

Senate bill No. 314, "An Act to incorporate the city of Beaumont, to grant it a special charter, and to fix its boundaries."

Senate bill No. 337, "An Act to consolidate Soule University of Chappell Hill, Washington county, Texas, and Chappell Hill Female College of the same place, under the name of Chappell Hill Female College, and to incorporate under the name of Chappell Hill Female College, and defining its powers and duties, and declaring an emergency."

EXECUTIVE MESSAGE.

The following executive message was received:

To the Senate and House of Representatives.

It becomes my painful duty to inform the Legislature that the Honorable George W. Finger, Commissioner of the General Land Office, died at Marlin, Texas, at 8 o'clock p. m. yesterday. He will be buried at Arlington, Texas, on tomorrow at 11 a. m.

In the death of Mr. Finger the people have lost a most valuable public servant. Courteous, painstaking, industrious, honest and capable, he gave promise of discharging with rare success every duty incumbent upon him by reason of the official position to which he was elected.

JOSEPH D. SAYERS,
Governor.

HOUSE MESSAGE.

The following House message was received:

Hall of the House of Representatives,
Austin, Texas, May 5, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 833, "An Act appropriating thirty thousand dollars, or so much thereof as may be necessary to pay per diem of members, officers and employes of the Twenty-sixth Legislature."

Respectfully,

MARK LOGAN,
Acting Chief Clerk House of Representatives.

IN SENATE.

The above reported House bill was read first time, and referred to the Committee on Finance.

Action recurred on the adoption of Senator Turney's amendment to Senate bill No. 323 (anti-trust bill), and after discussion and pending action,

COMMITTEE REPORT.

The following committee report was made:

Committee Room,
Austin, Texas, May 5, 1899.

Hon. R. N. Stafford, President Pro Tem of Senate.

SIR: Your Committee on Finance, to whom was referred

House bill No. 833, being a bill to be entitled "An Act appropriating thirty thousand dollars, or so much thereof as may be necessary, to pay per diem of members, officers and employes of the Twenty-sixth Legislature,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

On motion of Senator Dibrell, the pending business (Senate bill No. 323) was suspended to take up, on second reading,

House bill No. 833. A bill to be entitled "An Act appropriating thirty thousand dollars, or so much thereof as may be necessary to pay per diem of members, officers and employes of the Twenty-sixth Legislature."

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed upon its second reading by the following vote:

Yeas—24.

Atlee.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Goss.	Odell.
Gough.	Patterson.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Kerr.	Turney.
Linn.	Wayland.
Lloyd.	Yett.

Nays—2.

Burns.	Potter.
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Absent.

Johnson.	Stone.
Lewis.	Yantis.

Absent—Excused.

McGee.

The bill was read a second time, and passed to a third reading.

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed upon its third reading and final passage by the following vote:

Yeas—26.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Neal.
Dibrell.	Odell.
Goss.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Kerr.	Turney.
Linn.	Wayland.
Lloyd.	Yett.

Absent.

Johnson.	Stone.
Lewis.	Yantis.

Absent—Excused.

McGee.

The bill was then read a third time, and passed by the following vote:

Yeas—26.

Burns.	Miller.
Atlee.	Morriss.
Davidson.	Neal.
Dibrell.	Odell.
Goss.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Kerr.	Turney.
Linn.	Wayland.
Lloyd.	Yett.

Absent.

Johnson.	Stone.
Lewis.	Yantis.

Absent—Excused.

McGee.

Senator Dibrell moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

Tabled.

Resuming consideration of Senate bill No. 323 (anti-trust bill), action was on the adoption of Senator Turney's amendment.

Senator Davidson moved to lay the amendment on the table.

Senator Sebastian moved to adjourn until Monday next, 10 a. m.

Lost by the following vote:

Yeas—5.

Atlee.	Neal.
Grinnan.	Sebastian.
Morriss.	

Nays—20.

Burns.	Miller.
Davidson.	Odell.
Dibrell.	Patterson.
Goss.	Potter.
Gough.	Ross.
Greer.	Stafford.
James.	Terrell.
Kerr.	Turney.
Linn.	Wayland.
Lloyd.	Yett.

Absent.

Johnson.	Stone.
Lewis.	Yantis.

Absent—Excused.

McGee.

The motion to table then prevailed by the following vote:

Yeas—13.

Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Potter.
Gough.	Sebastian.
Grinnan.	Terrell.
James.	Wayland.
Lloyd.	

Nays—11.

Atlee.	Neal.
Burns.	Odell.
Greer.	Patterson.
Hanger.	Ross.
Kerr.	Turney.
Linn.	

Absent.

Johnson.	Yantis.
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Absent—Excused.

McGee.

PAIRED.

Senator Stafford, present, who would vote *yea*, with Senator Lewis, absent, who would vote *nay*.

Senator Yett, present, who would vote *yea*, with Senator Stone, absent, who would vote *nay*.

By Senator Greer:

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. A trust is a combination of capital, skill or acts by two or more per-

sons, firms, corporations or associations of persons, or either two or more of them for either, any or all of the following purposes:

1. To create or carry out restrictions in trade or commerce or aids to commerce, or to create or carry out restrictions in the full and free pursuit of any business authorized or permitted by the laws of this State.

2. To increase or reduce the price of merchandise, produce or commodities.

3. To prevent competition in manufacture, making, transportation, sale or purchase of merchandise, produce or commodities, or to prevent competition in aids to commerce.

4. To fix at any standard or figure, whereby its price to the public shall be in any manner controlled or established, any article or commodity of merchandise, produce or commerce intended for sale, use or consumption in this State; or to regulate or fix the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado or any other kind of policy issued by insurance corporations.

5. To make or enter into or execute or carry out any contract, obligation or agreement of any kind or description by which they shall bind or have bound themselves not to sell, dispose of or transport any article or commodity, or article of trade, use, merchandise, commerce or consumption below a common standard figure, or by which they shall agree in any manner to keep the price of such article, commodity or transportation at a fixed or graded figure, or by which they shall in any manner establish or settle the price of any article or commodity or transportation between them or themselves and others to preclude a free and unrestricted competition among themselves or others in the sale or transportation of any such article or commodity, or by which they shall agree to pool, combine or unite any interest they may have in connection with the sale or transportation of any such article or commodity that its price might in any manner be affected.

Sec. 2. If any person, persons, company, partnership, association or corporation engaged in the manufacture of any article of commerce or consumption from the raw material produced or mined in this State, shall, with intent or purpose of driving out competition, or for the purpose of bankrupting competitors, shall sell at less than cost of manufacture, or give away their manufactured products, for the purpose of driving out competition or bankrupting competitors engaged in the manufacture and refining

of the raw materials in this State, said person, persons, company, partnership, association or corporation resorting to this method of securing a monopoly in the manufacture, refining and sale of the finished product produced or mined in this State shall be deemed guilty of a conspiracy to secure a monopoly or trust in restraint of trade, and on conviction shall be subject to the penalties of this act.

Sec. 3. Any trust defined in this act shall be deemed unlawful, and any individual, firm, corporation or association of persons who shall be guilty of being a party to such trust shall be punished as herein provided.

Sec. 4. Any corporation holding a charter under the laws of the State of Texas which shall violate any of the provisions of this chapter, shall thereby forfeit its charter and franchise, and its corporate existence shall cease and determine.

Sec. 5. For a violation of any of the provisions of this chapter by any corporation mentioned herein, it shall be the duty of the Attorney-General or district or county attorney, or either of them, upon his own motion, and without leave or order of any court or judge, to institute suit or quo warranto proceedings in Travis county, at Austin, or at the county seat of any county in the State, where such corporation exists, does business or may have a domicile, for the forfeiture of its charter rights and franchise, and the dissolution of its corporate existence.

Sec. 6. Every foreign corporation violating any of the provisions of this chapter is hereby denied the right and prohibited from doing business within this State, and it shall be the duty of the Attorney-General to enforce this provision by injunction or other proceedings in the District Court of Travis county, in the name of the State of Texas.

Sec. 7. The provisions of Chapter 48, General Laws of this State, approved July 9, 1897, to prescribe the remedy and regulate the proceedings by quo warranto, etc., shall, except in so far as they may conflict herewith, govern and control the proceedings when instituted to forfeit any charter under this chapter.

Sec. 8. Each and every firm, person, corporation or association of persons who shall in any manner violate any of the provisions of this chapter, shall for each and every day that such violation shall be committed or continued forfeit and pay the sum of not less than two hundred nor more than one thousand dollars, which may be recovered in the name of the State of Texas in any county where

the offense is committed, or where either of the offenders reside, or in Travis county, and it shall be the duty of the Attorney-General or the district or county attorney to prosecute for and recover the same.

Sec. 9. Any contract or agreement in violation of the provisions of this act shall be absolutely void, and not enforceable either in law or equity.

Sec. 10. The provisions hereof shall be held cumulative of each other and all other laws in any way affecting them now in force in this State; provided, this act shall not be held to apply to livestock and agricultural products in the hands of the producer or raiser, nor shall it be understood or construed to prevent the organization of laborers for the purpose of maintaining any standard of wages; and provided further, that this act shall be construed to supersede Chapter 108, of the Revised Civil Statutes of Texas of 1895.

Sec. 11. Nothing in this chapter shall be held or construed to affect or destroy any rights which may have accrued, or to affect the right of the State to recover penalties, or to affect the right of the State to forfeit charters of domestic corporations and prohibit foreign corporations from doing business in this State, or affect the right of the State to maintain prosecutions for violations thereof, under any law of this State relating to trusts, for acts heretofore done.

Sec. 12. Any court, officer or tribunal having jurisdiction of the offense defined in this chapter, or any district attorney, county attorney or grand jury may subpoena persons and compel their attendance as witnesses to testify as to the violation of any of the provisions of the foregoing sections. Any person so summoned and examined shall not be liable to prosecution for any violations of said sections about which he may testify fully and without reservation.

Sec. 13. It shall be the duty of the Secretary of State, on or about the first day of July of each year, to address to the president, secretary or treasurer or director of each incorporated company doing business in this State, a letter of inquiry as to whether the said corporation has all or any part of its business or interest in or with any trust, combination or association of persons or stockholders, as named in the preceding provisions of this act, and to require an answer, under oath, of the president, secretary or treasurer, or any director of said company; a form of affidavit shall be inclosed in said letter of inquiry, as follows:

AFFIDAVIT.

STATE OF TEXAS,

County of.....

I,....., do solemnly swear that I am the..... (president, secretary, treasurer or director) of the corporation known and styled....., duly incorporated under the laws of....., on the..... day of..... 18...., and now transacting or conducting business in the State of Texas, and that I am duly authorized to represent said corporation in making this affidavit; and I do further solemnly swear that the said..... known and styled as aforesaid, has not, since the..... day of..... (naming the day upon which this act takes effect) created, entered into or become a member of or a party to, and was not on the..... day of....., nor at any day since that date and is not now a member of or a party to any pool, trust, agreement, combination, confederation or understanding, with any other corporation, partnership, individual, or any other person or association of persons, to regulate or fix the price of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining, or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado, or any other kind of policy issued by the parties aforesaid; and that it has not entered into or become a member of, or party to, any pool, trust, agreement, contract, combination or confederation, to fix or limit the amount of supply or quantity of any such article of manufacture, mechanism, merchandise, commodity, convenience, repair, or any product of mining, or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado, or any other kind of policy issued by the parties aforesaid; and that it has not issued, and does not own any trust certificates, and for any corporation, agent, officer or employe, or for the directors or stockholders of any corporation, has not entered into, and is not now with any combination, contract or agreement with any person or persons, corporation or corporations, or with any stockholders or directors thereof, the purpose and effect of which said combination, contract or agreement, would be to place the management or control of such combination or combinations, or the manufactured product thereof, in the hands of any trustee or trustees, with the intent to limit or fix the price, or lessen the production and sale of any article of commerce, use or consumption, or to prevent, restrict or diminish the manufacture or output of any such article.

.....
(President, Secretary, Treasurer or Director.)

Subscribed and sworn to before me, a
..... within and for the
county of..... this.....
day of..... 18....

(Seal.)

And on refusal to make oath, in answer to said inquiry, or on failure to do so, within thirty days from the mailing thereof, the Secretary of the State shall certify to the prosecuting attorney of the district or county wherein said corporation is located, and it shall be the duty of such prosecuting attorney, at his earliest practical moment, in the name of the State, and at the relation of said prosecuting attorney, to proceed against such corporation, if a domestic corporation, for the recovery of the money forfeit provided for in this act, and also for the forfeiture of its charter or certificate of incorporation. If a foreign corporation, to proceed against such corporation for the recovery of the money forfeit provided for in this act, and to forfeit its right to do business in this State; and provided, that whatever money, bonds or other securities may be on deposit in this State shall remain subject to the decision of said court to secure whatever penalties or costs may be adjudged against said corporation or individual; provided, that the failure to reply to such inquiry within thirty days after the same has been mailed shall be taken as prima facie proof that such corporation has violated the provisions of this act every day after the expiration of said thirty days.

Sec. 14. The fact that the calendar is greatly crowded, and that the session is near its close, and the further fact that trusts are being executed in this State to the detriment of the public welfare, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring that bills be read on three several days, and that this law go into force from and after its passage, and it is so enacted.

Pending action, on motion of Senator Goss, the Senate adjourned until 3 p. m. today.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

President Pro Tem Stafford in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Lloyd.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Goss.	Odell.
Gough.	Patterson.
Greer.	Potter.
Grinnan.	Ross.
Hanger.	Stafford.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Linn.	Yett.

Absent.

Lewis.	Stone.
Sebastian.	Yantis.

Absent—Excused.

McGee.

RESOLUTION OF RESPECT.

By Senator Hanger:

Senate Concurrent Resolution No. 26:

Whereas, The Hon. W. Finger, late Land Commissioner of the State of Texas, died on yesterday, May 4, A. D. 1899, and will be buried at the town of Arlington, Tarrant county, Texas, on May 6, A. D. 1899; therefore, be it

Resolved by the Senate, the House of Representatives concurring, that a committee, composed of three members of the Senate and five members of the House, be appointed by the President of the Senate and Speaker of the House to accompany the remains and to attend the said burial.

The resolution was read, and unanimously adopted.

CALLED UP FOR CONCURRENCE.

Senator Greer called up

Senate bill No. 306, A bill to be entitled "An Act to authorize the Gulf, Beaumont & Kansas City Railway Company to purchase, own and operate the railroad, including all the property rights, franchises and appurtenances of the Gulf, Beaumont & Great Northern Railway Company, now existing or that may hereafter be built or acquired by the Gulf, Beaumont & Great Northern Railway Company, and to authorize the Gulf, Beaumont & Kansas City Railway Company, in the name of the Gulf, Beaumont & Great Northern Railway Company, to issue bonds and to secure the same by

mortgage upon the railway property, property rights and franchises of the Gulf, Beaumont & Great Northern Railway Company, under orders of the Railroad Commission of Texas, and to enable the said corporation, the Gulf, Beaumont & Great Northern Railway Company, to construct this proposed line of railway as provided in its charter, and for said purpose to raise money through the issuance of stock and bonds," which had passed the House with amendments, and moved that the Senate concur in said amendments.

Carried by the following vote:

Yeas—22.

Atlee.	Miller.
Burns.	Morriss.
Dibrell.	Neal.
Gough.	Odell.
Greer.	Patterson.
Hanger.	Potter.
James.	Ross.
Johnson.	Stafford.
Kerr.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.

Nays—2.

Davidson.	Grinnan.
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Absent.

Goss.	Stone.
Lewis.	Yantis.
Sebastian.	Yett.

Absent—Excused.

McGee.

Senator Goss called up

Senate bill No. 19, A bill to be entitled "An Act to amend Article 5049, of Chapter 1, Title CIV, of the Revised Statutes, relating to general occupation taxes," which had passed the House with an amendment, and moved that the Senate concur in said amendment.

Senator Kerr moved to indefinitely postpone further consideration of the bill.

Lost by the following vote:

Yeas—8.

Atlee.	Lloyd.
Davidson.	Stafford.
Dibrell.	Turney.
Kerr.	Wayland.

Nays—16.

Burns.	Miller.
Goss.	Morriss.
Gough.	Neal.
Greer.	Odell.
Grinnan.	Patterson.
Hanger.	Potter.
James.	Ross.
Linn.	Terrell.

Absent.

Johnson. Stone.
Lewis. Yantis.
Sebastian. Yett.

Absent—Excused.

McGee.

Senator Gough then moved as a substitute for the motion to concur, *that the Senate do not concur*, and that the Senate request the appointment of a Free Conference Committee to consider the differences of the two houses.

Carried by the following vote:

Yeas—25.

Atlee.	Lloyd.
Burns.	Miller.
Davidson.	Neal.
Dibrell.	Odell.
Goss.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Turney.
Johnson.	Wayland.
Kerr.	Yett.
Linn.	

Nays—1.

Morriss.

Absent.

Lewis. Stone.
Sebastian. Yantis.

Absent—Excused.

McGee.

The Chair appointed as committee on part of the Senate, Senators Lloyd, Turney, Atlee, Wayland and Johnson.

Senator Burns called up his motion (see Journal of April 12th) to reconsider the vote by which was passed

Senate bill No. 286, A bill to be entitled "An Act to fix and define the limitation of time wherein suits for taxes may be brought, and to declare that taxes for the recovery of which suit is not brought within such time shall be conclusively presumed to have been paid, and to forbid any action therefor, and to repeal all laws and parts of laws in conflict herewith," and moved that same be laid on the table.

Tabled.

PENDING BUSINESS.

The Senate resumed consideration of Senate bill No. 323 (anti-trust bill), action being on the pending amendment offered by Senator Greer (see Journal of morning session).

After discussion, and pending action,

54—Senate

BILL SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read.

House bill No. 833, "An Act appropriating thirty thousand dollars, or so much thereof as may be necessary, to pay per diem of members, officers and employes of the Twenty-sixth Legislature."

CALLED UP FOR CONCURRENCE.

Senator Goss called up

Senate bill No. 175. A bill to be entitled "An Act to amend Section 1, of an act to regulate and limit the expenditure of State, county and local public school funds, and regulate treasurers' reports thereof, approved June 23, 1897," which had passed the House with amendments, and moved that the Senate *do not concur* in said amendments, and that the Senate request the appointment of a Free Conference Committee to consider the differences between the two houses.

So ordered, and the Chair appointed as committee on part of the Senate, Senators Goss, Odell, Davidson, Burns and Miller.

(Senator Odell in the chair.)

Action recurring on the adoption of the pending amendment (Greer's) to Senate bill No. 323,

By Senator Burns:

"Amend the amendment by adding after Section 6 the following:

"Section 7. Any purchaser of any article or commodity from any individual, company or corporation transacting business contrary to the preceding sections of this act shall not be liable for the price or payment of such article or commodity, and may plead this act as a defense to any suit for such price or payment."

Senator Atlee moved that further consideration of the bill be postponed until Monday next after call, that the bill be made a special order for that day, and that the amendments be printed in the Journal.

Lost by the following vote:

Yeas—10.

Atlee.	Neal.
Burns.	Patterson.
Greer.	Ross.
Kerr.	Stafford.
Linn.	Turney.

Nays—13.

Davidson.	Lloyd.
Gough.	Miller.
Grinnan.	Morriss.
James.	Odell.
Johnson.	Potter.

Terrell. Yett.
Wayland.
Present—Not voting.
Dibrell.
Absent.
Goss. Stone.
Lewis. Yantis.
Absent—Excused.
McGee.

PAIRED.

Senator Hanger, present, who would vote *yea*, with Senator Sebastian, absent, who would vote *nay*.

(President Pro Tem. Stafford in the chair.)

SPECIAL COMMITTEE.

The Chair announced the following committee to accompany the remains of Hon. Geo. W. Finger, deceased, to burial place: Senators Hanger, Odell and Potter.

HOUSE MESSAGE.

The following message from the House was received:

Hall of the House of Representatives,
Austin, Texas, May 5, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 808, A bill to be entitled "An Act to amend Section 1, of 'An Act granting permission to B. F. Gohlson and J. W. Benson, or their assigns, to bring suit against the State of Texas in the District Court of Lampasas county to ascertain the amount, if any, due them for services rendered the State of Texas as rangers or soldiers,' passed on the 13th day of March, 1899, and became a law on the 24th day of March, 1899."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN SENATE.

The above reported House bill No. 808 was read first time, and referred to Judiciary Committee No. 1.

Resuming consideration of Senate bill No. 323 (anti-trust bill), Senator Davidson moved to table the amendment (Greer's), and the amendment to the amendment (Burns').

Senator Atlee moved to adjourn until Monday, 10 a. m.

Lost by the following vote:

Yeas—11.

Atlee.	Neal.
Burns.	Patterson.
Greer.	Ross.
Hanger.	Stafford.
Kerr.	Turney.
Linn.	

Nays—14.

Davidson.	Miller.
Dibrell.	Morriss.
Gough.	Odell.
Grinnan.	Potter.
James.	Terrell.
Johnson.	Wayland.
Lloyd.	Yett.

Absent.

Goss.	Stone.
Lewis.	Yantis.
Sebastian.	

Absent—Excused.

McGee.

Pending action on the motion to table, Senator Davidson withdrew the same.

The pending amendment and amendment thereto were then withdrawn.

By Senator Burns:

"Amend by adding to Section 6 the following: 'And provided further, that this act shall not be held to apply to live stock and agricultural products in the hands of the producer or raiser, nor shall it be understood or construed to prevent the organization of laborers for the purpose of maintaining any standard of wages.'"

Adopted by the following vote:

Yeas—17.

Burns.	Morriss.
Gough.	Neal.
Greer.	Odell.
Grinnan.	Patterson.
Hanger.	Ross.
Kerr.	Turney.
Linn.	Wayland.
Lloyd.	Yett.
Miller.	

Nays—5.

Davidson.	Johnson.
Dibrell.	Potter.
James.	

Present—Not voting.

Atlee.	Stafford.
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Absent.

Goss.	Stone.
Lewis.	Terrell.
Sebastian.	Yantis.

Absent—Excused.

McGee.

By Senator Burns (re-offered):

"Amend the bill by adding after Section 6, the following:

"Section 7. Any purchaser of any article or commodity from any individual, company or corporation, transacting business contrary to the preceding section of this act, shall not be liable for the price or payment of such article or commodity, and may plead this act as a defense to any suit for such price or payment."

By Senator Davidson:

Substitute the amendment as follows:

"Amend by adding the following after Section 6, page 5, line 29:

"Section 7. No purchaser of any article, thing or commodity from any individual, firm, association of persons, company or corporation, or any agent, representative, solicitor or canvasser thereof from said individual, firm, association of persons, company or corporation handling or manufacturing for sale any article, thing or commodity the price of which is fixed by any trust or combine as hereinbefore defined, and transacting business contrary to the preceding sections of this act, shall be liable for the price of payment of any article, thing or commodity which he may have purchased therefrom, whether the article, thing or commodity, be manufactured within or without the State of Texas; and such purchaser may plead this act as a defense to a suit against him for recovery of any sum in payment for any article, thing or commodity so purchased as aforesaid, and this act shall be a complete bar in any such proceeding."

Adopted.

The amendment as substituted was adopted.

By Senator Odell:

"Amend by adding Section 8:

"Section 8. Every corporation, co-partnership, firm or individual, who may be the owner or lessee of a patent to any machinery intended, used or designed for manufacturing any raw material or preparing the same for market by any wrapping, baling or other process, who shall lease, rent or operate the same in their own name, and refuse or fail to put the same on the market for sale shall be adjudged a monopoly, and subject to all the pains and penalties provided in this act."

Adopted by the following vote:

Yeas—15.

Davidson.	Hanger.
Goss.	James.
Gough.	Johnson.
Greer.	Linn.
Grinnan.	Miller.

Morriss.
Neal.
Odell.

Potter.
Ross.

Nays—10.

Burns.
Dibrell.
Kerr.
Lloyd.
Patterson.

Stafford.
Terrell.
Turney.
Wayland.
Yett.

Absent.

Atlee.
Lewis.

Sebastian.
Yantis.

Absent—Excused.

McGee.

Pending further action,
Senator Linn moved to adjourn until
Monday, 10 a. m.

Lost by the following vote:

Yeas—7.

Greer.
Grinnan.
Hanger.
Linn.

Patterson.
Ross.
Stafford.

Nays—16.

Burns.
Davidson.
Dibrell.
Goss.
Gough.
James.
Johnson.
Kerr.

Lloyd.
Miller.
Morriss.
Odell.
Potter.
Terrell.
Turney.
Wayland.

Absent.

Lewis.
Sebastian.

Yantis.

Absent—Excused.

McGee.

PAIRED.

Senator Yett, present, who would vote *nay*, with Senator Stone, absent, who would vote *yea*.

By Senator Potter:

"Amend by adding at the end of Section 8 the following: 'And all the penalties provided in the existing law of this State shall continue to exist as to violations of such law, and be applied to all violations thereof that have or may occur before this act takes effect or which are not covered by this act. But after this act goes into effect the penalties provided herein shall control in all proceedings against corporations for any violations of this or existing laws, and in all cases against persons, co-partnerships or associations the penalties herein provided shall apply to such co-partnership or association, but if the offense committed is a felony under existing law the person actually committing the same shall be

punished under such law, in the manner therein provided. Should there be a different penalty provided for the same violation of any provision of this act, and that of existing laws not herein specially provided for, the penalties provided in this act shall be the penalties in such cases. But this act shall not repeal or supersede the provisions of the Penal Code or Code of Criminal Procedure of this State upon the subject matter of this act."

Adopted.

By Senator Gough:

"Amend the bill by adding at the end of Section 4 the following: 'It is further provided that the Secretary of State shall, from time to time, when he may have reason to believe that individuals or partnerships are doing business in this State in violation of this act, address the letter of inquiry herein provided for to such individuals or partnerships, and require of them the same answer, under oath, prescribed in this section for the officers of corporations, the affidavit to which must be made by the individual addressed or some member of the partnership addressed; the form of affidavit herein prescribed with such changes as shall be necessary to make it applicable to individuals and partnerships shall be enclosed in said letter of inquiry.'"

Adopted.

By Senator Terrell:

"Amend lines 6 and 7 in printed bill by striking out same and inserting the following: 'An Act to prohibit pools, trusts and monopolies and conspiracies to control business and prices of articles, to prevent the formation or operation of pools, trusts and monopolies and combinations, and to provide a penalty therefor, and to provide for the forfeiture of charters of corporations that violate the terms of this act, and to authorize the institution of prosecutions and suits therefor.'"

Adopted.

By Senator Dibrell:

"Amend Senate bill No. 323, by inserting between lines 29 and 30, page 1, the following to be numbered Section 2, and change the numbers of the subsequent sections to conform thereto:

"Section 2. If any person, persons, company, partnership, association or corporation, engaged in the manufacture of any article of commerce or consumption from the raw material produced or mined in this State, shall, with the intent or purpose of driving out competition, or for the purpose of bankrupting competitors, sell at less than the cost of manufacture, or give away their manufactured

products, for the purpose of driving out competition or bankrupting competitors engaged in the manufacture and refining of the raw materials in this State, said person, persons, company, partnership, association or corporation resorting to this method of securing a monopoly in the manufacture, refining and sale of the finished product produced or mined in this State, shall be deemed guilty of a conspiracy to form or secure a trust or monopoly in restraint of trade, and on conviction shall be subject to the penalties of this act.'"

Adopted.

By Senator Patterson:

"Amend by striking out the word 'mechanism' wherever it occurs in the bill."

Lost by the following vote:

Yeas—4.

Atlee.
Hanger.

Kerr.
Patterson.

Nays—19.

Burns.
Davidson.
Goss.
Gough.
Greer.
Grinnan.
James.
Johnson.
Linn.
Lloyd.

Miller.
Morris.
Neal.
Odell.
Potter.
Ross.
Terrell.
Turney.
Wayland.

Present—Not voting.

Stafford.

Absent.

Lewis.
Sebastian.

Stone.
Yantis.

Absent—Excused.

McGee.

Senator Greer then re-offered his amendment previously withdrawn, to wit:

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. A trust is a combination of capital, skill or acts by two or more persons, firms, corporations or associations of persons, or either two or more of them for either, any or all of the following purposes:

1. To create or carry out restrictions in trade or commerce or aids to commerce, or to create or carry out restrictions in the full and free pursuit of any business authorized or permitted by the laws of this State.

2. To increase or reduce the price of merchandise, produce or commodities.

3. To prevent competition in manufacture, making, transportation, sale or

purchase of merchandise, produce or commodities, or to prevent competition in aids to commerce.

4. To fix at any standard or figure, whereby its price to the public shall be in any manner controlled or established, any article or commodity of merchandise, produce or commerce intended for sale, use or consumption in this State; or to regulate or fix the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado or any other kind of policy issued by insurance corporations.

5. To make or enter into or execute or carry out any contract, obligation or agreement of any kind or description by which they shall bind or have bound themselves not to sell, dispose of or transport any article or commodity, or article of trade, use, merchandise, commerce or consumption below a common standard figure, or by which they shall agree in any manner to keep the price of such article, commodity or transportation at a fixed or graded figure, or by which they shall in any manner establish or settle the price of any article or commodity or transportation between them or themselves and others to preclude a free and unrestricted competition among themselves or others in the sale or transportation of any such article or commodity, or by which they shall agree to pool, combine or unite any interest they may have in connection with the sale or transportation of any such article or commodity that its price might in any manner be affected.

Sec. 2. If any person, persons, company, partnership, association or corporation engaged in the manufacture of any article of commerce or consumption from the raw material produced or mined in this State, shall, with intent or purpose of driving out competition, or for the purpose of bankrupting competitors, shall sell at less than cost of manufacture, or give away their manufactured products for the purpose of driving out competition or bankrupting competitors engaged in the manufacture and refining of the raw materials in this State, said person, persons, company, partnership, association or corporation resorting to this method of securing a monopoly in the manufacture, refining and sale of the finished product produced or mined in this State shall be deemed guilty of a conspiracy to secure a monopoly or trust in restraint of trade, and on conviction shall be subject to the penalties of this act.

Sec. 3. Any trust defined in this act shall be deemed unlawful, and any individual, firm, corporation or association

of persons who shall be guilty of being a party to such trust shall be punished as herein provided.

Sec. 4. Any corporation holding a charter under the laws of the State of Texas which shall violate any of the provisions of this chapter, shall thereby forfeit its charter and franchise, and its corporate existence shall cease and determine.

Sec. 5. For a violation of any of the provisions of this chapter by any corporation mentioned herein, it shall be the duty of the Attorney-General or district or county attorney, or either of them, upon his own motion, and without leave or order of any court or judge, to institute suit or quo warranto proceedings in Travis county, at Austin, or at the county seat of any county in the State, where such corporation exists, does business or may have a domicile, for the forfeiture of its charter rights and franchise, and the dissolution of its corporate existence.

Sec. 6. Every foreign corporation violating any of the provisions of this chapter is hereby denied the right and prohibited from doing business within this State and it shall be the duty of the Attorney-General to enforce this provision by injunction or other proceedings in the District Court of Travis county, in the name of the State of Texas.

Sec. 7. The provisions of Chapter 48, General Laws of this State, approved July 9, 1897, to prescribe the remedy and regulate the proceedings by quo warranto, etc., shall, except in so far as they may conflict herewith, govern and control the proceedings when instituted to forfeit any charter under this chapter.

Sec. 8. Each and every firm, person, corporation or association of persons who shall in any manner violate any of the provisions of this chapter, shall for each and every day that such violation shall be committed or continued forfeit and pay the sum of not less than two hundred nor more than one thousand dollars, which may be recovered in the name of the State of Texas in any county where the offense is committed, or where either of the offenders reside, or in Travis county, and it shall be the duty of the Attorney-General or the district or county attorney to prosecute for and recover the same.

Sec. 9. Any contract or agreement in violation of the provisions of this act shall be absolutely void, and not enforceable either in law or equity.

Sec. 10. The provisions hereof shall be held cumulative of each other and all other laws in any way affecting them now in force in this State; provided, this act shall not be held to apply to livestock

and agricultural products in the hands of the producer or raiser, nor shall it be understood or construed to prevent the organization of laborers for the purpose of maintaining any standard of wages; and provided further, that this act shall be construed to supersede Chapter 108, of the Revised Civil Statutes of Texas of 1895.

Sec. 11. Nothing in this chapter shall be held or construed to affect or destroy any rights which may have accrued, or to affect the right of the State to recover penalties, or to affect the right of the State to forfeit charters of domestic corporations and prohibit foreign corporations from doing business in this State, or affect the right of the State to maintain prosecutions for violations thereof, under any law of this State relating to trusts, for acts heretofore done.

Sec. 12. Any court, officer or tribunal having jurisdiction of the offense defined in this chapter, or any district attorney, county attorney or grand jury may subpoena persons and compel their attendance as witnesses to testify as to the violation of any of the provisions of the foregoing sections. Any person so summoned and examined shall not be liable to prosecution for any violations of said sections about which he may testify fully and without reservation.

Sec. 13. It shall be the duty of the Secretary of State, on or about the first day of July of each year, to address to the president, secretary or treasurer or director of each incorporated company doing business in this State, a letter of inquiry as to whether the said corporation has all or any part of its business or interest in or with any trust, combination or association of persons or stockholders, as named in the preceding provisions of this act, and to require an answer, under oath, of the president, secretary or treasurer, or any director of said company; a form of affidavit shall be inclosed in said letter of inquiry, as follows:

AFFIDAVIT.

STATE OF TEXAS,
County of.....

I,....., do solemnly swear that I am the..... (president, secretary, treasurer or director) of the corporation known and styled....., duly incorporated under the laws of....., on the..... day of..... 18...., and now transacting or conducting business in the State of Texas, and that I am duly authorized to represent said corporation in making this affidavit; and I do further solemnly

swear that the said..... known and styled as aforesaid, has not, since the..... day of..... (naming the day upon which this act takes effect) created, entered into or become a member of or a party to, and was not on the..... day of....., nor at any day since that date and is not now a member of or a party to any pool, trust, agreement, combination, confederation or understanding, with any other corporation, partnership, individual, or any other person or association of persons, to regulate or fix the price of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining, or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado, or any other kind of policy issued by the parties aforesaid; and that it has not entered into or become a member of, or party to, any pool, trust, agreement, contract, combination or confederation, to fix or limit the amount of supply or quantity of any such article of manufacture, mechanism, merchandise, commodity, convenience, repair, or any product of mining, or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado, or any other kind of policy issued by the parties aforesaid; and that it has not issued, and does not own any trust certificates, and for any corporation, agent, officer or employee, or for the directors or stockholders of any corporation, has not entered into, and is not now with any combination, contract or agreement with any person or persons, corporation or corporations, or with any stockholders or directors thereof, the purpose and effect of which said combination, contract or agreement, would be to place the management or control of such combination or combinations, or the manufactured product thereof, in the hands of any trustee or trustees, with the intent to limit or fix the price, or lessen the production and sale of any article of commerce, use or consumption, or to prevent, restrict or diminish the manufacture or output of any such article.

.....
(President, Secretary, Treasurer or Director.)

Subscribed and sworn to before me, a..... within and for the county of..... this..... day of..... 18..

(Seal.)

And on refusal to make oath, in an-

swer to said inquiry, or on failure to do so, within thirty days from the mailing thereof, the Secretary of the State shall certify to the prosecuting attorney of the district or county wherein said corporation is located, and it shall be the duty of such prosecuting attorney, at his earliest practicable moment, in the name of the State, and at the relation of said prosecuting attorney, to proceed against such corporation, if a domestic corporation, for the recovery of the money forfeit provided for in this act, and also for the forfeiture of its charter or certificate of incorporation. If a foreign corporation, to proceed against such corporation for the recovery of the money forfeit provided for in this act, and to forfeit its right to do business in this State; and provided that whatever money, bonds or other securities may be on deposit in this State shall remain subject to the decision of said court to secure whatever penalties or costs may be adjudged against said corporation or individual; provided, that the failure to reply to such inquiry within thirty days after the same has been mailed shall be taken as prima facie proof that such corporation has violated the provisions of this act every day after the expiration of said thirty days.

Sec. 14. The fact that the calendar is greatly crowded, and that the session is near its close, and the further fact that trusts are being executed in this State to the detriment of the public welfare, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring that bills be read on three several days, and that this law go into force from and after its passage, and it is so enacted.

Pending further action,

HOUSE MESSAGE.

The following House message was received:

Hall of the House of Representatives,
Austin, Texas, May 5, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution No. 26, relating to the death of Hon. Geo. W. Finger, late Land Commissioner, and the House has appointed the following committee to attend the funeral: Messrs. Ayers, Smith of Grayson, Barbee, Adams and Garner.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

BILL SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

Senate bill No. 319, "An Act to incorporate the city of Beaumont, to grant it a special charter and fix its boundaries."

Action recurring to Senator Greer's amendment to Senate bill No. 323 (anti-trust bill),

On motion of Senator Morriss, the regular order of business was suspended to take up, on second reading,

Senate bill No. 347, A bill to be entitled "An Act to correct an error in enrollment and make its provisions more clear of Senate bill No. 47, entitled 'An Act to create and maintain a more efficient public road system for Cass county,' passed at the Regular Session of the Twenty-sixth Legislature."

The bill was read a second time.

By Senator Morriss:

"Amend by striking out the caption of the bill, and inserting the following in lieu thereof: 'An Act to amend Section 6 of an act passed by the Twenty-sixth Legislature, entitled "An Act to create and maintain a more efficient public road system for Cass county."'"

The bill as amended was ordered engrossed.

On motion of Senator Morriss, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Neal.
Goss.	Odell.
Gough.	Potter.
Greer.	Ross.
Hanger.	Terrell.
James.	Turney.
Johnson.	Wayland.
Kerr.	Yett.
Lloyd.	

Absent.

Dibrell.	Sebastian.
Grinnan.	Stafford.
Lewis.	Stone.
Linn.	Yantis.
Patterson.	

Absent—Excused.

McGee.

The bill was read a third time, and passed by the following vote:

Yeas—21.

Atlee.	Davidson.
Burns.	Goss.

Gough.	Neal.
Greer.	Odell.
Hanger.	Potter.
James.	Ross.
Johnson.	Terrell.
Kerr.	Turney.
Lloyd.	Wayland.
Miller.	Yett.
Morriss.	

Absent.

Dibrell.	Sebastian.
Grinnan.	Stafford.
Lewis.	Stone.
Linn.	Yantis.
Patterson.	

Absent—Excused.

McGee.

Senator Morriss moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

COMMITTEE REPORTS.

By unanimous consent, the following committee reports were sent up:

Committee Room,
Austin, Texas, May 5, 1899.

*Hon. R. N. Stafford, President Pro Tem.
of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 351, being a bill to be entitled "An Act to amend Article 650, Title VIII, of the Code of Criminal Procedure, relating to the summoning of jurors in special venire cases,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

Floor report—Greer, Odell, Terrell, James and Miller.

TERRELL, Chairman.

Committee Room,
Austin, Texas, May 5, 1899.

*Hon. R. N. Stafford, President Pro Tem.
of the Senate.*

SIR: Your Committee on Public Roads, Bridges and Ferries, to whom was referred

House bill No. 784, being a bill to be entitled "An Act to provide a more efficient system for working the public roads of Bowie county, regulating fees of officers when convicts serve their time by labor on such public roads, and to repeal all laws in conflict therewith,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ODELL, Chairman.

Committee Room,
Austin, Texas, April 11, 1899.

*Hon. Jas. N. Browning, President of the
Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 286, being a bill to be entitled "An Act to fix and define the limitation of time wherein suits for taxes may be brought, and to declare that taxes for the recovery of which suit is not brought within such time shall be conclusively presumed to have been paid, and to forbid any action therefor, and to repeal all laws and parts of laws in conflict herewith,"

And find the same correctly engrossed.
JAMES, Chairman.

Committee Room,
Austin, Texas, May 5, 1899.

*Hon. R. N. Stafford, President Pro Tem.
of the Senate.*

SIR: Your Judiciary Committee No. 1 to whom was referred

Senate bill No. 350, being a bill to be entitled "An Act to provide for the purchase of one hundred acres of land, known as the Magnus T. Habermehl homestead in the Arthur McCormick league, in order that the State of Texas may own and preserve the San Jacinto battle grounds,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

Floor report—Atlee, Linn, Patterson, Burns, Potter, Odell and Dibrell.

ATLEE, Chairman.

Committee Room,
Austin, Texas, May 5, 1899.

*Hon. R. N. Stafford, President Pro Tem.
of the Senate.*

SIR: Your Committee on Public Buildings and Grounds, to whom was referred

Senate Concurrent Resolution No. 22, authorizing the Superintendent of Public Buildings and Grounds to lease certain property in Austin, Texas, belonging to the State and known as the "Old Court House Square," to the Austin Dam & Suburban Railway Company and the Bachman Foundry and Machinery Company, etc.,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

JOHNSON, Chairman.

On motion of Senator Goss, the Senate took a recess until 10 a. m. tomorrow.